



Universal Service Administrative Company

Received & Inspected

NOV 22 2011

FCC Mail Room

Schools and Libraries Division

**FUNDING COMMITMENT DECISION LETTER**  
(Funding Year 2010: 07/01/2010 - 06/30/2011)

September 28, 2011

Jose A. Gamez  
MCALLEN MEMORIAL LIBRARY  
601 N MAIN ST  
MCALLEN, TX 78501-4638

**Re: Form 471 Application Number: 768378**  
**Billed Entity Number (BEN): 141632**  
**Billed Entity FCC RN: 0017657321**  
**Applicant's Form Identifier: 2010F471P2.5**

Thank you for your Funding Year 2010 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$62,735.06 is "Denied."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

**NEXT STEPS**

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity applicant) - as products and services are being delivered and billed

**TO APPEAL THIS DECISION:**

You have the option of filing an appeal with the SLD or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
  - Appellant name,
  - Applicant name and service provider name, if different from appellant,
  - Applicant BEN and Service Provider Identification Number (SPIN),
  - Form 471 Application Number 768378 as assigned by USAC,
  - "Funding Commitment Decision Letter for Funding Year 2010," AND
  - The exact text of the decision that you are appealing.

Schools and Libraries Division - Correspondence Unit  
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685  
Visit us online at: [www.usac.org/sl](http://www.usac.org/sl)

FUNDING COMMITMENT REPORT  
Billed Entity Name: MCALLEN MEMORIAL LIBRARY  
BEN: 141632  
Funding Year: 2010

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 768378  
Funding Request Number: 2078248  
Funding Status: Not Funded  
Category of Service: Internal Connections  
Form 470 Application Number: 551680000802306  
SPIN: 143030052  
Service Provider Name: Calence, LLC  
Contract Number: 201001031-erfp  
Billing Account Number: 956-688-3300  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2010  
Service End Date: N/A  
Contract Award Date: 05/25/2010  
Contract Expiration Date: 06/30/2011  
Site Identifier: 141632  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$78,418.83  
Pre-discount Amount: \$78,418.83  
Discount Percentage Approved by the USAC: 80%  
Funding Commitment Decision: \$0.00 - Contract Violation  
Funding Commitment Decision Explanation: The Contract Award Date was changed from 02/19/2010 to 05/25/2010 to agree with the applicant documentation. <><><><><> DR1: FCC Rules require that a contract be signed and dated by the applicant prior to the filing of the Form 471 for the products/services requested. This requirement was not met.

FCDL Date: 09/28/2011

Wave Number: 068

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012



RICHARD F. CORTEZ, Mayor  
HILDA SALINAS, Mayor Pro-Tem and Commissioner District 3  
AIDA RAMIREZ, Mayor Pro-Tem and Commissioner District 4  
SCOTT C. CRANE, Commissioner District 1  
MARCUS C. BARRERA, Commissioner District 2  
JOHN J. INGRAM, Commissioner District 5  
JIM DARLING, Commissioner District 6

MIKE R. PEREZ, City Manager

November 21, 2011

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
9300 East Hampton Drive  
Capitol Heights, MD 20743

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**CC Docket No. 02-6**

Carla M. Rodriguez, Director  
Office of Grant Administration  
City of McAllen  
1300 Houston Avenue  
McAllen, TX. 78501  
956.681.1030 Phone  
956.681.1034 Fax  
[carlarodriguez@mcallen.net](mailto:carlarodriguez@mcallen.net)

**Request for Waiver of a decision made by USAC**

**FCDL Date:** September 28, 2011  
**Form 471 Number:** 768378  
**Funding Year:** 2010  
**Billed Entity Name:** McAllen Memorial Library  
**BEN:** 141632  
**FRN:** 2078248  
**Service Provider:** Calence, LLC  
**SPIN:** 143030052

**Decision being appealed:** Universal Services Administrative Company (USAC) Funding Commitment Decision Letter (FCDL) dated September 28, 2011 stated the McAllen Memorial Library's Form 471 application was denied because a signed and dated contract with the service provider was not in place at the time of the submission of the FCC Form 471 certification or the window close date.

No. of Copies rec'd 0  
List ABCDE

**Summary:** Form 471 funding request was for eligible services tied to the construction of the new McAllen Public Library project awaiting funding approval and award of contract. City of McAllen purchasing rules dictate that funding and City Commission approval be secured prior to entering into a binding contract. Form 471 filing deadline was February 12, 2010. Funding in the form of Certificates of Obligation for the construction project was approved by the City Commission on May 10, 2010 (see Attachment 1) and permission to enter into E-rate contract was granted on May 24, 2010 (see Attachment 2). Contract was signed by City Management and Service Provider on May 25, 2010 (see Attachment 3). Construction of the new McAllen Public Library began on June 21, 2010. The Program Integrity Assurance (PIA) team requested additional information between May 2010 and July 2011. All requests were fulfilled. A PIA review form dated July 9, 2010, indicated "based on the documentation that you have provided we intend to modify application 768378, FRN 2078248 to change the contract award date. The contract award date has been changed from 02/19/2010 to 05/25/2010" (see Attachment 4). On August 21, 2011, a signed and certified email in response for additional information included the request to change Contract Award Date from February 19, 2010 to May 25, 2010 (see Attachment 5). City issued Award Letter to FRN 2078248 Service Provider Calence, LLC, on November 7, 2011 (see Attachment 6). Installation of requested services has begun at the construction site.

**Basis for Requesting a Waiver:** McAllen Memorial Library followed the City of McAllen purchasing regulations and delayed signing the contract until approval of the Certificates of Obligation funding was secured for the construction project. Once funding was secured, permission was sought and granted by the City Commission to enter into the E-Rate contracts. During the PIA review process, lack of signed contract was acknowledged and permission was sought and granted to amend contract date from February 19, 2010 to May 25, 2010. The reason for requesting a waiver is that the City assumed that by signing the request to change Contract Award Date brought us into compliance with USAC rules.

**Impact of this Denial:** This denial represents a fiscal loss to the City of McAllen for the eligible services requested for the new McAllen Public Library. Without the E-Rate discount, the construction project may end in an over-budget status. Due to the circumstances described, we believe this Request for Waiver of a USAC regulation is a valid one, and approval of this Waiver is reasonable and in keeping with the overall goals of the E-Rate program.

Sincerely,



Mike R. Perez, City Manager

cc: Brent Branham, Deputy City Manager  
Jose A. Gamez, Library Director  
Carla M. Rodriguez, Grant Director  
Teclo Garcia, Governmental Affairs Director  
Darak Weaver, Account Manager, Calence, LLC

Attachments

# **ATTACHMENT 1**

**STATE OF TEXAS  
COUNTY OF HIDALGO  
CITY OF MCALLEN**

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, May 10, 2010 at 4:00 p.m. at McAllen City Hall Third (3rd) Floor Commission Chambers, with the following present:

Mayor Richard Cortez  
Mayor Pro Tem Hilda Salinas  
Commissioner Scott Crane  
Commissioner Marcus Barrera  
Commissioner John Ingram  
Commissioner Jim Darling

Absent: Mayor Pro Tem Ramirez

City Staff: Mike R. Perez, City Manager  
Kevin Pagan, City Attorney  
Brent Branham, Deputy City Manager  
Roy Rodriguez, Assistant City Manager  
Pilar Rodriguez, Assistant City Manager  
Wendy Smith, Assistant City Manager  
Annette Villarreal, City Secretary  
Perla Zamora, Deputy City Secretary  
Yvette Barrera, City Engineer  
Juli Rankin, Director of Planning

**CALL TO ORDER:**

Mayor Cortez called the meeting to order.

At this time, Item 2 was addressed.

**2. Ordinance authorizing the issuance of City of McAllen, Texas Combination Tax and Revenue Certificates of Obligation, Series 2010, approving an Official Statement, authorizing the execution of a Purchase Contract, making provisions for the Security thereof and ordaining other matters relating to the subject.**

Staff recommended adoption of an ordinance authorizing the issuance of City of McAllen, Texas Combination Tax and Revenue Certificate of Obligation, Series 2010, approving an Official Statement, authorizing the execution of a Purchase Contract, making provisions for the Security thereof and ordaining other matters relating to the subject.

Anne Burger with First Southwest Company, gave a brief market update touching on the timing factor as it relates to pricing. She noted that the timing factor was crucial as the stock market showed a dramatic change shortly after the pricing was wrapped up which contributed toward the interest rate received. The specifics of the bond sale were highlighted as follows:

10 year final maturity which included a five year call date without penalty for pay-off

2.9% true interest cost

Par amount of bonds \$29,030,000

\$3 1/2 million of annual debt service

Local distribution for the certificates of obligation included McAllen and Hidalgo County residents and Texas retail

Ms. Burger made reference to the rating agency visits which contributed to the upgrade in rating which saved 5 basis points. She thanked the underwriters for their assistance in the bond sale proceedings.

Commissioner Barrera moved to adopt the ordinance as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

**PROCLAMATIONS:**

**Motorcycle Safety Month – Donna Herrin**

Commissioner Darling read and presented a proclamation for *Motorcycle Safety Month*.

**ORDINANCE NO. 2010-28**  
**ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF McALLEN, TEXAS**  
**COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION,**  
**SERIES 2010, APPROVING AN OFFICIAL STATEMENT, AUTHORIZING THE**  
**EXECUTION OF A PURCHASE CONTRACT, MAKING PROVISIONS FOR THE**  
**SECURITY THEREOF AND ORDAINING OTHER MATTERS RELATING TO**  
**THE SUBJECT**

**THE STATE OF TEXAS**  
**COUNTY OF HIDALGO**  
**CITY OF McALLEN**

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**WHEREAS**, the Board of Commissioners deems it advisable to issue Certificates of Obligation in the amount of \$29,030,000, for paying all or a portion of the City's contractual obligations for the purpose of constructing, improving, renovating and equipping and acquiring land for the City's Main Library, Community Centers, and for improvements and extensions to the City's Waterworks System, and for paying legal, fiscal, architectural and engineering fees in connection with such projects; and

**WHEREAS**, the Certificates of Obligation hereinafter authorized and designated are to be issued and delivered for cash pursuant to Subchapter C of Chapter 271 of the Local Government Code with a pledge of revenues of the Waterworks and Sewer System pursuant to Chapter 1502 of the Government Code; and

**WHEREAS**, the Board of Commissioners has heretofore, on the 5th day of April, 2010, adopted a Resolution authorizing and directing the City Secretary to give notice of intention to issue Certificates of Obligation; and

**WHEREAS**, said notice has been duly published in the Monitor, which is a newspaper of general circulation in said City, in its issues of April 7, 2010 and April 14, 2010; and

**WHEREAS**, the City received no petition from the qualified electors of the City protesting the issuance of such Certificates of Obligation; and

**WHEREAS**, the meeting was open to the public and public notice of the time, place and purpose of said meeting was given pursuant to Chapter 551, Texas Government Code.

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF McALLEN:**

Section 1.      **AMOUNT AND PURPOSE OF THE CERTIFICATES OF OBLIGATION.** The certificate of obligation or certificates of obligation of the City of McAllen (the "Issuer") are hereby authorized to be issued and delivered in the aggregate principal amount of \$29,030,000, for paying all or a portion of the City's contractual obligations for the purpose of constructing, improving, renovating and equipping and acquiring land for the City's Main Library, Community Centers, and for improvements and extensions to the City's Waterworks System, and for paying legal, fiscal, architectural and engineering fees in connection with such projects.

Section 2. DESIGNATION OF THE CERTIFICATES OF OBLIGATION. Each certificate of obligation issued pursuant to this Ordinance shall be designated: "CITY OF McALLEN, TEXAS COMBINATION TAX AND REVENUE CERTIFICATE OF OBLIGATION, SERIES 2010", and initially there shall be issued, sold, and delivered hereunder a single fully registered certificate of obligation, without interest coupons, payable in installments of principal (the "Initial Certificate of Obligation"), but the Initial Certificate of Obligation may be assigned and transferred and/or converted into and exchanged for a like aggregate principal amount of fully registered certificates of obligation, without interest coupons, having serial maturities, and in the denomination or denominations of \$5,000 or any integral multiple of \$5,000, all in the manner hereinafter provided. The term "Certificates of Obligation" as used in this Ordinance shall mean and include collectively the Initial Certificate of Obligation and all substitute certificates of obligation exchanged therefor, as well as all other substitute certificates of obligation and replacement certificates of obligation issued pursuant hereto, and the term "Certificate of Obligation" shall mean any of the Certificates of Obligation.

Section 3. INITIAL DATE, DENOMINATION, NUMBER, MATURITIES, INITIAL REGISTERED OWNER, AND CHARACTERISTICS OF THE INITIAL CERTIFICATE OF OBLIGATION. (a) The Initial Certificate of Obligation is hereby authorized to be issued, sold, and delivered hereunder as a single fully registered Certificate of Obligation, without interest coupons, dated May 1, 2010, in the denomination and aggregate principal amount of \$29,030,000, numbered R-1, payable in annual installments of principal to the initial registered owner thereof, to-wit: WELLS FARGO BANK, NATIONAL ASSOCIATION, or to the registered assignee or assignees of said Certificate of Obligation or any portion or portions thereof (in each case, the "registered owner"), with the annual installments of principal of the Initial Certificate of Obligation to be payable on the dates, respectively, and in the principal amounts, respectively, stated in the FORM OF INITIAL CERTIFICATE OF OBLIGATION set forth in this Ordinance.

(b) The Initial Certificate of Obligation (i) may be prepaid or redeemed prior to the respective scheduled due dates of installments of principal thereof, (ii) may be assigned and transferred, (iii) may be converted and exchanged for other Certificates of Obligation, (iv) shall have the characteristics, and (v) shall be signed and sealed, and the principal of and interest on the Initial Certificate of Obligation shall be payable, all as provided, and in the manner required or indicated, in the FORM OF INITIAL CERTIFICATE OF OBLIGATION set forth in this Ordinance.

Section 4. INTEREST. The unpaid principal balance of the Initial Certificate of Obligation shall bear interest from the date of the Initial Certificate of Obligation, and will be calculated on the basis of a 360-day year of twelve 30-day months to the respective scheduled due dates, or to the respective dates of prepayment or redemption, of the installments of principal of the Initial Certificate of Obligation, and said interest shall be payable, all in the manner provided and at the rates and on the dates stated in the FORM OF INITIAL CERTIFICATE OF OBLIGATION set forth in this Ordinance.

Section 5. FORM OF INITIAL CERTIFICATE OF OBLIGATION. The form of the Initial Certificate of Obligation, including the form of Registration Certificate of the Comptroller of Public Accounts to be endorsed on the Initial Certificate of Obligation, shall be substantially as follows:

**CERTIFICATE FOR ORDINANCE NO. 2010-28**

**THE STATE OF TEXAS  
COUNTY OF HIDALGO  
CITY OF McALLEN**

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We, the undersigned officers of said City, hereby certify as follows:

1. The Board of Commissioners of said City convened in **REGULAR MEETING ON THE 10TH DAY OF MAY, 2010**, at the City Hall, and the roll was called of the duly constituted officers and members of said Board of Commissioners, to-wit:

Richard F. Cortez, Mayor  
Hilda Salinas, Mayor Pro Tem  
Aida Ramirez, Mayor Pro Tem  
Marcus Barrera  
Scott C. Crane  
James E. Darling  
John Ingram

Annette Villarreal, City Secretary

and all of said persons were present, except the following members: Ramirez thus constituting a quorum. Whereupon, among other business, the following was transacted at said Meeting: a written **ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF McALLEN, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2010, APPROVING AN OFFICIAL STATEMENT, AUTHORIZING THE EXECUTION OF A PURCHASE CONTRACT, MAKING PROVISIONS FOR THE SECURITY THEREOF AND ORDAINING OTHER MATTERS RELATING TO THE SUBJECT** was duly introduced for the consideration of said Board of Commissioners and read in full. It was then duly moved and seconded that said Ordinance be passed, and, after due discussion, said motion carrying with it the passage of said Ordinance, prevailed and carried by the following vote:

AYES: All members of said Board of Commissioners shown present above voted "Aye".

NOES: NONE.

2. That a true, full and correct copy of the aforesaid Ordinance passed at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; that said Ordinance has been duly recorded in said Board of Commissioners's minutes of said Meeting; that the above and foregoing paragraph is a true, full and correct excerpt from said Board of Commissioners's minutes of said Meeting pertaining to the passage of said Ordinance; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of said Board of Commissioners as indicated therein; that each of the officers and members of said Board of Commissioners was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid Meeting, and that said Ordinance would be introduced and considered for passage at said Meeting, and each of said officers and members consented, in advance, to the holding of said Meeting for such purpose, and that said Meeting was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

3. That the Mayor of said City has approved and hereby approves the aforesaid Ordinance; that the Mayor and the City Secretary of said City have duly signed said Ordinance; and that the Mayor and the City Secretary of said City hereby declare that their signing of this Certificate shall constitute the signing of the attached and following copy of said Ordinance for all purposes.

**SIGNED AND SEALED** the 10th day of May, 2010.



City Secretary



Mayor



## **ATTACHMENT 2**

# Memo

**To:** Mike R. Perez, City Manager  
**From:** Jose A. Gamez, Library Director  
**CC:** Brent Branham, Deputy City Manager  
**Date:** May 18, 2010  
**Re:** Authorize E-Rate Contracts

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## **Goal**

Authorize contracts with Insight Networking and AT&T Datacomm for information technology infrastructure at New Main Library in order to meet Universal Service Administrative Company grant guidelines and compete for E-Rate award.

## **Brief Explanation**

In 2008, the City Commission authorized Library staff to seek E-Rate funding and approved the required E-Rate Technology plan. Since then, we have submitted an E-Rate application that will allow the City to receive a grant award based on the Technology Plan. Part of the application process required the completion of Form 470 which established a competitive environment as related to vendors and the following two have been selected as the most responsive and responsible vendors to complete the technology infrastructure:

| <b>AT&amp;T Datacomm</b>                         | <b>Total Cost</b>   | <b>Award (80%)</b>  | <b>City Portion</b> |
|--|---------------------|---------------------|---------------------|
| 1) Cabling Installation and Internal Connections | \$314,419.36        | \$251,535.49        | \$62,883.87         |
| <b>Insight Networking</b>                        |                     |                     |                     |
| 2) Rack, Cabinets, and Internal Connections      | \$254,227.68        | \$202,890.14        | \$51,337.54         |
| 3) Uninterruptable Power Supply                  | \$100,342.22        | \$78,418.03         | \$21,924.19         |
| 4) Video Conferencing System                     | <u>\$78,418.33</u>  | <u>\$62,735.06</u>  | <u>\$15,683.77</u>  |
| <b>Totals:</b>                                   | <b>\$747,408.09</b> | <b>\$595,578.72</b> | <b>\$151,829.37</b> |

Funding for the New Main Library was approved on Monday, May 10, 2010; however, the execution of these two contracts will allow the City to compete for an E-Rate award in the amount of \$595,578.72. Full acceptance of contracts on behalf of the Universal Service Administrative Company is upon City issuance of purchase orders based on proposals from vendors.

## **Options**

- 1) Authorize contracts with two E-Rate service providers: Insight Networking and AT&T Datacomm.
- 2) Decline contract authorization, City funds 100% of New Main Library IT Infrastructure

## **Recommendation**

Staff recommends the Authorization of contracts with Insight Networking and AT&T Datacomm.

**STATE OF TEXAS  
COUNTY OF HIDALGO  
CITY OF MCALLEN**

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, May 24, 2010, at 4:00 p.m. at McAllen City Hall Third (3rd) Floor Commission Chambers, with the following present:

Mayor Richard Cortez  
Mayor Pro Tem Hilda Salinas  
Mayor Pro Tem Aida Ramirez  
Commissioner Scott Crane  
Commissioner Marcus Barrera  
Commissioner John Ingram  
Commissioner Jim Darling

Staff: Brent Branham, Deputy City Manager  
Kevin Pagan, City Attorney  
Roy Rodriguez, Assistant City Manager  
Pilar Rodriguez, Assistant City Manager  
Wendy Smith, Assistant City Manager  
Perla Zamora, Deputy City Secretary  
Yvette Barrera, City Engineer  
Carlos Sanchez, Public Works Director  
Juli Rankin, Director of Planning

**CALL TO ORDER**

Mayor Cortez called the meeting to order.

**PROCLAMATIONS**

**MDA Fill the Boot Campaign – Deborah Rodriguez**

Commissioner Darling read and presented a proclamation for *MDA Fill the Boot Campaign*.

**Homeownership Month – Luis Figueroa**

Commissioner Ingram read and presented a proclamation for *Homeownership Month*.

**Haitian Relief Volunteer Day**

Said proclamation was deferred to the June 14, 2010 Meeting.

**McAllen Scholars' Day**

Commissioner Crane read and presented a proclamation for *McAllen Scholars' Day*.

1. **CONSENT AGENDA:** [All matters listed under Consent Agenda are considered to be routine by the Governing Body and will be enacted by one motion. There will be no separate discussion of these items; however, if discussion is desired, that item(s) will be removed from the Consent Agenda and will be considered separately.]

Commissioner Barrera moved to approve the Consent Agenda with the exception of item 1C, 1J and 1K and that said items be tabled. Commissioner Darling seconded the motion. The motion carried unanimously.

- A) **Approval of Minutes of Regular Meeting held May 10th and Special Meeting held May 13, 2010.**

Approved the minutes of Regular Meeting held May 10th and Special Meeting held May 13, 2010, as submitted.

- B) **Award of Supply Contract - Purchase of Lubricants.**

Awarded multiple supply contracts for the purchase of Lubricants as follows:

Arguindegui Oil Co. for items 8, 9, 10a and 10b in the amount of \$29,456.70;

Burton Companies for item 7 in the amount of \$2,448;  
Hollon Oil Company for items 1, 2, 4a, 4b, 5a, 5b and 6 in the amount of \$36,625.60;  
Oil Patch for items 3 and 11 in the amount of \$2,100.

- C) Approval of Memorandum of Understanding between the Valley Land Fund, Inc. and the City of McAllen/Quinta Mazatlan, accepting a grant for a Summer Youth Photo Contest.**

Said item was tabled.

- D) Authorization to issue purchase contract to Magic Valley Electric Co-op (MVEC) for the installation and relocation of street lights for Edinburg Consolidated School District.**

Authorized the issuance of a purchase contract to Magic Valley Electric Co-Op in the amount of \$42,268.97 for the installation and relocation of street lighting for Rooth Road for which Edinburg CISD has escrowed the funds to reimburse the City.

- E) Change Order No. 1- Bicentennial Boulevard Improvements Project (Nolana Avenue to Trenton Road).**

Approved Change Order No. 1 to IOC for Bicentennial Boulevard Improvements Project (Nolana Avenue to Trenton Road), in the amount of \$84,085.51.

- F) Change Order No. 1 - Installation of Law Enforcement Video Surveillance Project.**

Approved Change Order No. 1 to CelPlan Technologies, Inc. for additional wireless equipment needed to complete installation of Law Enforcement Video Surveillance Project in the amount of \$33,576.36, for a revised amount of \$547,697.46.

- G) Approval of Hidalgo County 2010 Rural Emergency Services Contract.**

Approved the Rural Emergency Services Contract with Hidalgo County for reimbursement for services provided to rural county areas by the McAllen Fire Department.

- H) Ordinance providing for a budget amendment for professional services for litigation and consultant matters.**

Adopted an ordinance providing for a budget amendment in the amount of \$372,000 for professional services for litigation and consultant matters.

- I) Resolution authorizing the submission of a grant application to the U.S. Department of Justice for an Evidence Collection Unit for the Police Department.**

Approved a resolution authorizing the submission of a grant application to the U.S. Department of Justice, for an Evidence Collection Unit for the Police Department for a funding request of \$41,589 with a local match requirement of \$30,061, for a total project cost of \$71,650.

- J) Resolution nominating RBC Manufacturing Corporation to the Office of Governor for designation as Qualified Business and Enterprise Project under the Texas Enterprise Program.**

Said item was tabled.

- K) Confirmation of appointments to the Ambulance Evaluation Committee and Quinta Mazatlan Advisory Board.**

Said item was tabled.

- L) Approval of expenses incurred for Employee Health Fair held in November, 2009.**

Approved expenses for Employee Health Fair held in November 2009, in the amount of \$35,365.

- M) Ordinance amending the McAllen Code of Ordinances, Chapter 106. Utilities; providing for substantial modification of the City of McAllen Pretreatment and Sewer Use Program.**

Adopted an ordinance amending the McAllen Code of Ordinances, Chapter 106. Utilities; providing for substantial modification of the City of McAllen Pretreatment and Sewer Use Program.

## **2. BIDS/CONTRACTS:**

- A) Approving of Interlocal Agreement with McAllen Independent School District for Perez Elementary for construction of pavilion on property owned in part by the school district and in part by the City of McAllen.**

Staff recommended approval of an Interlocal Agreement with McAllen Independent School District for Perez Elementary for construction of pavilion on property owned in part by the school district and in part by the City of McAllen and approval of \$50,000 for the construction of the pavilion.

Commissioner Ingram moved to approve the interlocal agreement as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

- B) Authorization of contract with Insight Networking and AT&T Datacomm for information technology infrastructure at New Main Library in order to meet Universal Service Administrative Company Grant Guidelines and compete for E-Rate award.**

Staff recommended authorization to enter into a contract with Insight Networking and AT&T Datacomm for information technology infrastructure for the new Main Library in order to meet Universal Service Administrative Company Grant Guidelines and compete for an E-Rate Award in the amount of \$595,578.72 with a local match of \$151,829.37.

Commissioner Ingram moved to approve the contract as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

- C) Approval of License Agreement for a grease trap at 116 S. 17th Street.**

Staff recommended approval of a license agreement for a grease trap at 116 S. 17th Street.

Commissioner Barrera moved to approve the license agreement as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously.

- D) Award of Contract - Airport HVAC System.**

Staff recommended award of contract for the Airport HVAC System to Schneider Electric, for an initial cost of \$333,961 plus a three-year system maintenance program in the amount of \$62,280, for a total of \$396,241.

Commissioner Crane moved to award the contract as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

## **3. ORDINANCES:**

- A) Approving the FY 2010-2012 Regional Consolidated Plan and Strategy and FY 2010-2011 CDBG/HOME Action Plan.**

Omar Quintanilla, Chair of the Community Development Council recommended adoption of an ordinance approving the FY 2010-2012 Regional Consolidated Plan and Strategy and FY 2010-2011 Action Plan for the Community Development Block Grant and HOME Investment Partnership (HOME) Programs.

Questions were asked relating to the funding criteria for CAMP University.

A lengthy discussion ensued relating to the program and federal requirements. After due consideration, Commissioner Darling moved to fund \$10,000 to Camp University from the General Fund. Commissioner Barrera seconded the motion. The vote on the motion was as follows:

AYE: Commissioners Darling, Barrera, and Mayor Pro Tem Ramirez  
NAY: Commissioner Ingram, Crane, Mayor Pro Tem Salinas and Mayor Cortez  
ABSENT: None  
ABSTAIN: None

The motion failed to carry. A discussion was held.

Commissioner Barrera moved to adopt the ordinance with funding for Camp University in the amount of \$5,000 subject to decreasing the funding by \$2,500 for both the Boy's & Girl's Club and MYSA. Mayor Pro Tem Ramirez seconded the motion. The motion carried as follows:

AYE: Mayor Pro Tems Salinas & Ramirez, Commissioner Barrera and Mayor Cortez  
NAY: Commissioners Darling, Ingram and Crane  
ABSENT: None  
ABSTAIN: None

**B) Amending the McAllen Code of Ordinances, Chapter 114. Vehicles for Hire; to allow and regulate the operation of Pedicab Services.**

Staff recommended adoption of an ordinance amending the McAllen Code of Ordinances, Chapter 114. Vehicles for Hire; to allow and regulate the operation of Pedicab Services as follows:

Permit fees: \$100.00 per operation plus \$50.00 per vehicle operated  
Maximum number of permits: 10  
Operating area: Two zones - the North Zone extends from Business 83 to Hackberry and the South Zone which extends from Business 83 to Fresno Avenue.  
Hours of operation: 7:00 pm - 3:00 am  
Fares: \$1.00 per person for service within a zone and \$2.00 per person for service from one zone to another.

Questions were asked relating to the proposed fees, hours of operation and zones. Staff reported that the cities surveyed reported gratuity-based operations.

Commissioner Barrera moved to adopt the ordinance as recommended. Commissioner Crane seconded the motion. The motion carried unanimously.

**4. MANAGER'S REPORT:**

**A) Appointment to the McAllen Housing Authority Board of Commissioners by Mayor Cortez.**

Mayor Cortez confirmed the reappointment of Yolanda Flores and Lorena Castillo to the McAllen Housing Authority Board of Commissioners.

Appointment by Mayor only; no motion required.

**B) Seek direction on enforcement of side yard parking on residential lots.**

Staff was instructed to begin the enforcement process pursuant to the discussion held in a workshop held earlier in the day.

**C) Consider appointment of member to the McAllen-Hidalgo Bridge Board of Trustees.**

A nomination was made by Mayor Cortez to appoint Jan Klinck as a member to the McAllen-Hidalgo Bridge Board of Trustees to replace Carlos I. Garza whose term has ended.

Commissioner Barrera moved to make the appointment as recommended. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

**D) Seek direction on leasing fees for off-street parking spaces.**

Staff requested direction on proposed leasing fees for off-street parking spaces of \$1,000 per year. It was noted that said meters still reflect \$0.05 per hour and are substantially lower than the existing meter rates of \$0.50 per hour. It was noted that new establishments will be looking at leasing meters as an alternative parking requirements of the Zoning Ordinance.

A discussion was held relating to a discount. Staff reported that the proposed fee already provided for a discount as the true cost would be approximately \$1,300 annually.

After due consideration, it was the consensus of the City Commission to instruct staff to conduct a market survey and proceed with the public hearing process before the Planning and Zoning Commission.

**E) Future Agenda Items.**

No items were mentioned.

**5. PUBLIC HEARING BEGINNING AT 6:00 PM**

Mayor Cortez called the Public Hearing to order.

- A) ROUTINE ITEMS:** [All Rezoning and Conditional Use Permits listed under this section come with a favorable recommendation from the Planning & Zoning Commission and will be enacted by one motion. However, if there is opposition at the meeting or a discussion is desired, that item(s) will be removed from the Routine Items section of the agenda and will be considered separately.]

**Request of City of McAllen, for a Conditional Use Permit, for life of the use, for an institutional use (city elevated water tower) at 2.50 acres out of the north 26.69 acres of Lot 1, Block 17, Steel & Pershing Subdivision, Hidalgo County, Texas; 900 East El Rancho Road.**

Staff recommended approval of the Conditional Use Permit, for life of the use, at 900 East El Rancho Road, as recommended Planning and Zoning Board and subject to FAA requirements. The proposed use must also comply with the Zoning Ordinance and specific requirements as follows:

- 1) The proposed use shall not generate traffic onto residential size streets or disrupt residential areas, and shall be as close as possible to a major arterial. The property has direct access to E. El Rancho Road;
- 2) The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of street parking, especially in residential areas. A 25 ft. wide drive and paved parking area is proposed within the water tower site;
- 3) The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences by providing fences, hedges or reorientation of entrances and exits
- 4) The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities;
- 5) Provisions shall be made to prevent litter from blowing onto adjacent streets and residential areas;
- 6) The number of persons within the building shall be restricted to the existing seating capacity for the building; and
- 7) Sides adjacent to commercially and residentially zoned or used properties shall be screened by a 6 ft. opaque fence. A 6 ft. opaque buffer is required from adjacent residential zones/uses to the east, west and south.

Mayor Cortez asked if there was anyone to speak in opposition. No one appeared.

Commissioner Barrera moved to approve the Conditional Use Permit as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

**B) REZONINGS:**

- 1) **Rezone from R-1 (single family residential) District to C-3 (general business) District: Lots 32 & 33, Linda Vista Subdivision, Hidalgo County, Texas; 2553 Lindberg Avenue.**

Staff recommended that said item be tabled.

Commissioner Ingram moved to table said item. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

- 2) **Rezone from R-1 (single family residential) District to R-3C (multifamily residential condominium) District: 1.618 acres out of Lot 129, La Lomita Irrigation and Construction Company Subdivision, Hidalgo County, Texas; 2812 North Ware Road # A.**

The City Attorney disclosed that he had a conflict on said item and that he would abstain from providing legal advice on this matter. Further, he asked

that Assistant City Attorney Aaron Leal serve as legal counsel on this matter.

Staff recommended disapproval of the R-3C zoning as per Planning and Zoning Commission.

Mayor Cortez asked if there was anyone to speak in favor of the zoning request. Mr. Limas spoke in favor of the request. Mr. and Mrs. Jose Arredondo spoke in opposition.

Staff announced that the applicant requested that said item be tabled until a full Commission was present.

Commissioner Barrera moved to table said item. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

**C) CONDITIONAL USE PERMITS:**

- 1) Request of Dora E. Portillo, appealing the decision of the Planning & Zoning Commission of the May 4, 2010 meeting, denying the request for a Conditional Use Permit, for one year, for a nightclub, at Lots 4 and 5 and the east 90 feet of Lot 6, Block 20, McAllen Addition Subdivision, Hidalgo County, Texas; 200 South Broadway Street, Suite A.**

Staff recommended disapproval of the Conditional Use Permit, for one year, at 200 South Broadway Street, Suite A, as per the Planning and Zoning Commission but with a favorable recommendation for a variance to the distance requirement. Moreover, if approved, the establishment would be required to meet the requirements of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above-mentioned businesses must be at least 600 ft. from the nearest residence or residentially-zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The establishment is within 600 ft. of a church and publicly-owned property;
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential-sized streets. The establishment has access to South Broadway Street and Beaumont Avenue and does not generate traffic into residential areas;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance at a minimum, and make provisions to prevent the use of adjacent streets for parking;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- 7) The above-mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director.

Mayor Cortez asked if there was anyone to appear in opposition to the Conditional Use Permit. No one appeared in opposition.

Commissioner Barrera moved to grant a variance and approve the Conditional Use Permit as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

- 2) Request of Sara A. Saenz, appealing the decision of the Planning & Zoning Commission of the May 4, 2010 meeting, denying the request for a Conditional Use Permit, for one year, for a nightclub at Lots 1 through 4, The District at McAllen Subdivision, Hidalgo County, Texas; 3300 North McColl Road, Suites P and Q.**

Staff recommended disapproval of the Conditional Use Permit, for one year, at 3300 North McColl Road, Suites P and Q, as per the Planning and Zoning Commission but with a favorable recommendation for a variance to the distance requirement including the extended hours of operation. Moreover, if approved, the establishment would be required to meet the requirements of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above-mentioned businesses must be at least 600 ft. from the nearest residence or residentially-zoned property, church, school, or publicly-owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 600 ft. of residential zones and uses;
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential-sized streets. The establishment has access to North McColl Road and Fern Avenue, and does not generate traffic onto residential areas;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance at a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on the square footage of the establishment, 68 parking spaces are required for this use and 264 additional spaces are required for the remainder of the buildings. There are 276 parking spaces provided in the common parking area in the front and rear of the building. This business was included in a request for a special exception on May 1, 2007 to reduce the required number of parking spaces, which was granted by the Zoning Board of Adjustments;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties. Should this permit be granted, then the condition of keeping litter at a minimum on this property and on adjacent properties shall be maintained; and
- 7) The above-mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The maximum occupancy of the establishment was determined at the time of building permit for a total of 382 persons, of which 291 are allowed in the first floor and 91 persons in the second floor.

Mayor Cortez asked if there was anyone to appear in opposition to the Conditional Use Permit. No one appeared in opposition.

Commissioner Barrera moved to grant a variance and approve the Conditional Use Permit as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

**D) Amending the Zoning Ordinance of the City of McAllen as enacted May 29, 1979.**

No action required.

**6. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.087 (ECONOMIC DEVELOPMENT) AND SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY).**

On behalf of the Presiding Officer, the City Attorney recommended recessing into Executive Session pursuant to Chapter 551, Texas Government Code, Section 551.087 Economic Development for Items 6A and 6B; Section 551.071 Consultation with Attorney for Items 6G, 6H and 6I; and Section 551.072 Deliberation Regarding Real Property for Items 6C, 6D, 6E and 6F.

Mayor Pro Tem Salinas moved to accept the recommendation for the basis of the discussion in Executive Session under the sections cited by the City Attorney. Commissioner Crane seconded the motion. The motion carried unanimously.

Mayor Cortez recessed the meeting to go into Executive Session at 5:08 pm. Commissioner Darling and Mayor Pro Tem Ramirez excused themselves from the meeting at this time.

Mayor Cortez reconvened the meeting at 6:00 pm and addressed the Public Hearing followed by any action on Executive Session items.

**A) Discussion and Possible Action relating to economic incentives for Project Leather Jacket. (Section 551.087, T.G.C.)**

No action.

- B) Discussion and Possible Action relating to economic incentives for Project Big Box. (Section 551.087, T.G.C.)**

No action.

- C) Discussion and Possible Action to consider project extension for McAllen Skyline, Ltd. for Embassy Suites Hotel site sale. (Section 551.072, T.G.C.)**

Commissioner Barrera moved to authorize the City's Attorney's Office to grant a 90-day extension on the development project for Embassy Suites Hotel as discussed in Executive Session. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

- D) Discussion and Possible Action regarding property on Dove and Bicentennial. (Section 551.072, T.G.C.)**

Commissioner Ingram moved to authorize the City Attorney's Office to respectfully decline the offer to purchase the property. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

- E) Discussion and Possible Action to consider the purchase of property on First Street across from Firemen's Park. (Section 551.072, T.G.C.)**

Commissioner Ingram moved to authorize the City Attorney's Office to respectfully decline the offer to purchase the property. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

- F) Discussion and Possible Action to consider the purchase of property at 2nd and 10th Streets. (Section 551.072, T.G.C.)**

Commissioner Ingram moved to authorize the City Attorney's Office to respectfully decline the offer to purchase the property. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

- G) Consultation with City Attorney regarding contractual and legal issues with HCWID #3. (Section 551.071, T.G.C.)**

No action.

- H) Consultation with City Attorney relating to Workers Comp/Loss Run Report as of April 30, 2010. (Section 551.071, T.G.C.)**

No action.

- I) Consultation with legal counsel regarding Police and Fire Collective Bargaining issues. (Section 551.071, T.G.C.)**

No action.

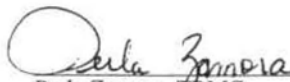
**ADJOURNMENT:**

There being no other business to come before the Commission, the meeting was adjourned at 6:30 pm.



Richard Cortez, Mayor

Attest:

  
Perla Zamora, TRMC  
Deputy City Secretary

## **ATTACHMENT 3**

# Insight NETWORKING<sup>SM</sup>



*Prepared for:*

## McAllen Memorial Library

### E-Rate 13 Form 470 Tandberg Internal Connections Request for Proposal

E-Rate Round 13  
E-Rate SPIN Number: 143030052  
FCC RN Number: 0014274815  
Federal Tax ID: 20-3791623

January 28, 2010

*Prepared by:*

Insight Networking  
Darak Weaver, Account Manager  
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McAllen, TX 78501  
[www.insight.com/networking](http://www.insight.com/networking)



January 28, 2010

Jose A. Gamez  
McAllen Memorial Library  
601 N. Main Street  
McAllen, TX 78501-4638

**Reference: E-Rate 13 Form 470 - Tandberg Internal Connections**

Dear Mr. Gamez:

Insight Networking is pleased to respond to McAllen Memorial Library's (McAllen Library's) Request for Proposal (RFP) for E-Rate 13 Form 470 - Tandberg Internal Connections. Insight Networking is one of the largest pure-play network solution provider in the U.S. Consistently ranked in the top 10 Service Providers for the E-Rate program in the Internal Connections category, Insight Networking offers extensive experience specific to Education. In fact, nine of our top 20 clients are K-12 or higher learning institutions.

Insight Networking helps organizations plan, build, provision and operate their network, security and unified communication infrastructures. Insight Networking works with many of the world's most prominent organizations to leverage network technologies to reduce costs, improve operations and increase productivity. Insight Networking continues to successfully implement on-time and within budget, world-class and state-of-the-art network infrastructures. As a result, valuable project experience includes:

- Extensive design, hardware and data traffic testing and analysis, device and network configuration
- Superior integration of the network infrastructure and the structured cabling systems
- The ability to leverage manufacturers and suppliers to ensure resolution of project issues and obstacles
- Defined, documented, and repeatable processes and procedures for:
  - Detailed staging and testing
  - Successful change order management
  - Resource allocation and deployment for W-2 employees and subcontract labor (including Minority and Women Business Enterprises participation)
  - Meticulous project management attentiveness to all project requirements

Insight Networking operates in more than 20 markets throughout the United States. Insight Networking is a Cisco Gold Partner; Master Specialized in Unified Communications and Security; Cisco Specialized in Advanced Unified Communications (VoIP), Advanced Security, Advanced Routing and Switching, and Advanced Wireless LAN; a Cisco Advanced Technology Partner for Unified Contact Center Enterprise, TelePresence, Voice Portal, Wireless Mesh, Rich Media Communications, Video Surveillance, MDS Fabric Switching and Data Center Networking Infrastructure; and a Cisco Managed Services Partner.

Insight Networking also offers the following advantages:

- Experience building some of today's largest mission-critical networks and e-commerce infrastructures
- 500+ Networking Professionals, with more than 455 Cisco Certifications, who use a proprietary methodology to consistently deliver the highest levels of client satisfaction
- Dedicated inside and outside account management and on-site support services



- 24 x 7 Network Operations Center (NOC)
- Leader in Network Business Process Outsourcing (BPO)
- Continued Commitment to Quality and Client Satisfaction

Partnering with Insight Networking will assist McAllen Library in achieving the following benefits:

- Increased productivity by providing a platform to support future applications with increased functionality
- Reduced costs through the appropriate level of investment in technology
- Improved client satisfaction and time savings through increased network availability, manageability and scalability
- Reduced operating, infrastructure and maintenance costs through consolidation and simplification
- Increased employee and client functionality, productivity and satisfaction
- Ability to achieve business, technology and client service objectives

I look forward to discussing this proposal with you. If you have any questions, please contact me at 956.661.5870 or [darak.weaver@insight.com](mailto:darak.weaver@insight.com). Thank you for your consideration.

Sincerely,

Darak Weaver  
Account Manager

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